

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:06-CR-17-FL
No. 2:11-CV-47-FL

ALTON LARCHON WHITAKER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

)
)
)
)
)
)
)
)
)
)

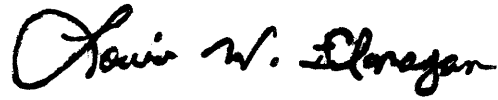
ORDER

This matter is before the court on petitioner's motion to withdraw his motions to vacate under 28 U.S.C. § 2255, which motion to withdraw was filed June 4, 2012 (DE # 56). Petitioner initially filed *pro se* motion to vacate under 28 U.S.C. § 2255 on September 22, 2011 (DE # 46). Pursuant to court directive, petitioner re-filed motion to vacate on October 17, 2011 (DE # 48), this time on the proper form mailed to him by the Clerk of Court. On January 5, 2012, counsel Jeffrey William Gillette filed notice of appearance on behalf of petitioner.

Petitioner informs in the instant motion that, after discussions with counsel, he believes it to be in his best interest to voluntarily withdraw his motions to vacate.¹ The court finds that it is proper to GRANT petitioner's motion to withdraw (DE # 56). Petitioner is ALLOWED to WITHDRAW his motions to vacate under 28 U.S.C. § 2255 WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(a)(2).

¹ The court interprets petitioner's motion to withdraw to apply both to his original motion to vacate, lodged at docket entry number 46, and his corrected motion, lodged at docket entry number 48.

SO ORDERED, this the 8th day of June, 2012.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style with a large initial "L".

LOUISE W. FLANAGAN
United States District Judge